

ORDINANCE NO. 514

AN ORDINANCE TO ESTABLISH INTERIM ZONING IN THE WEST SHORE ANNEXATION TO THE CITY OF POLSON.

WHEREAS, there currently exists a dispute regarding the status of zoning on the West Shore annexation to the City of Polson arising out of zoning processes currently undertaken by Polson City Council in 1984 and 1987; and

WHEREAS, the current City Council determined it to be in the best interest of the citizens of the West shore area and the City of Polson in general to commence a new zoning process; and

WHEREAS, the Council has accordingly passed a Resolution No. 583 declaring its intent to initiate both interim zoning and permanent zoning in order to eliminate once and for all any questions regarding the current zoning status of this area; and

WHEREAS, pursuant to the Resolution of Intent No. 583, passed and approved by the Polson City Council at its meeting on May 18, 1992 and under authority of M.C.A. Section 72-2-306, the City deems it appropriate to pass an interim zoning ordinance to protect the public safety, health and welfare of the citizens of Polson, and further deems that by virtue of the continuing divisive debate that an urgency zoning ordinance is mandated; and

WHEREAS, pursuant to the Resolution of the Council passed on May 18, 1992, notice was duly and properly served both by publication in the Lake County Leader and by mail in accordance with the provisions of M.C.A. Section 76-2-306(2).

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Polson does hereby adopt an interim zoning ordinance applicable to the West Shore annexation to the City of Polson which shall provide as follows:

1. Pursuant to the apparent intent of the Polson City Council in May of 1984, and pursuant to the compelling arguments of the adjoining property owners to this tract, there is hereby created a zone which shall be designated as T-3-1 zone. Property zoned under this classification shall be limited to hotel, motel and marina facilities only. With the exception of those limitations set forth herein, all other provisions of the zoning ordinance of the City of Polson pertaining to T-3 zones apply to this T-3-1 zone. This zoning classification shall apply to property currently under ownership of Caroline J. Clark Miller and more particularly described hereinafter as follows:

A fractional part of Lot 1, Section 4, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, being more particularly described as follows:

Beginning at a point on the Northeasterly right-of-way boundary of the County Road which bears S. 0°04' E. 323.4 feet and S. 42°03'21" E. 1123.62 feet from the Northwest corner of said Lot 1; said point being a found monumented corner constituting the Southwest property corner of a tract of land as shown and described on Deed Exhibit (H-1839) Lake County, Montana Records; thence continuing S. 42°03'21" E. along said County Road right-of-way for a distance of 80.55 feet; thence S. 37°40'59" W. 65.75 feet to the Northeasterly right-of-way boundary of U.S. Highway No. 93; thence along said highway right-of-way boundary on a curve to the left with a radius of 1557.1 feet and a Central Angle of 5°10'07" for an Arc length of 140.46 feet; thence S. 24°15'58" W. 30.0 feet along said highway right-of-way boundary; thence along said highway right-of-way boundary on a curve to the left with a radius of 1587.1 feet and a Central Angle of 3°35'06" for an Arc length of 99.30 feet; thence S.

42°03'21" E. 68.16 feet along said highway right-of-way boundary; thence along said highway right-of-way boundary on a curve to the left with a radius of 1830.07 feet and a Central Angle of 7°26'11" for an Arc length of 237.52 feet; thence S. 72°51'39" E. 81.93 feet along said highway right-of-way boundary to the intersection of the U.S.G.L.O. Meander Line of Flathead Lake; thence N. 25°30' W. 670.22 feet along said Meander Line; thence S. 53°21'14" W. 343.61 feet along the Southeasterly Property Line boundary of that tract of land as shown and described on the aforementioned Deed Exhibit (H-1839) to the point of beginning.

Also that fractional part of Lot 1, Section 4, Township 22 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows:

Beginning at a point on the Southwesterly right-of-way boundary of the County Road, said point bears S. 0°04' E. 323.4 feet, S. 42°03'21" E. 1123.62 feet, and S. 53°21'14" W. 60.26 feet from the Northwest corner of said Lot 1, Section 4; thence S. 42°03'21" E. 36.12 feet along the Southwesterly right-of-way boundary of the County Road; thence S. 37°40'59" W. 23.15 feet to the Northeasterly right-of-way boundary of U. S. Highway No. 93; thence along said highway right-of-way boundary on a curve to the right with a radius of 1557.1 feet and a Central Angle of 1°39'44" for an Arc length of 45.17 feet; thence N. 53°21'14" E. 34.97 feet to the point of beginning.

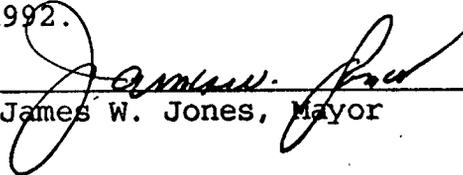
Further identified as being Tract "B" on Certificate of Survey No. 3809, on file in the office of the Clerk and Recorder of Lake County, Montana.

The Council further declares that the following zoning classifications and the properties to which they apply, including current ownership, shall for purposes of this interim zoning ordinance be established in accordance with Exhibit "A" attached hereto and incorporated by reference herein.

All previously existing uses of property incompatible with this interim zoning ordinance shall be allowed under the pre-existing use provisions of the Polson City Code as provided under Polson City Code Section 11.02.040.

This Ordinance supercedes all prior zoning in the West Shore area to the City of Polson. Furthermore, this Ordinance shall remain in full force and effect until such time as a permanent zoning Ordinance is adopted in the West Shore area.

Dated this 20th day of June, 1992.


James W. Jones, Mayor

Attest:

City Clerk